

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSHUA LEVI ALGER, SR., and
THERESA WILSON,

Plaintiffs,

Case No. 2:24-cv-11831
District Judge Robert J. White
Magistrate Judge Kimberly G. Altman

v.

S. CAMPBELL, McROBERTS,
JOHNSON, BROCKWAY, B.
PORTER, ROARK, WARREN,
GEORGE STEPHENSON,
GREASON, MONA GOLSON, M.
STODDARD, and CHERYL ELLIOT,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS’
MOTION FOR AN EXTENSION OF TIME OR STAY OF PROCEEDINGS
(ECF No. 26)**

I. Introduction

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiffs Joshua Levi Alger, Sr. (Alger) and Theresa Wilson (Wilson), proceeding *pro se*, are suing multiple defendants¹ asserting Eighth and Fourteenth Amendment claims. *See* ECF No. 1. Under 28 U.S.C. § 636(b)(1), all pretrial proceedings have been

¹ Defendants’ names will all be spelled as they appear in their dispositive motions.

referred to the undersigned. (ECF No. 23). Defendants have collectively filed a motion to dismiss, which is currently pending. (ECF No. 22).

Before the Court is plaintiffs' motion for an extension of time to respond to the motion or for a stay of proceedings. (ECF No. 26). For the reasons discussed below, this motion will be GRANTED IN PART and DENIED IN PART.

Plaintiffs will be given until December 16, 2024, to respond to the pending dispositive motion. No stay of proceedings is warranted at this time.²

II. Motion for an Extension of Time to Respond

Plaintiffs were directed to file a response to defendants' motion to dismiss by November 7, 2024. (ECF No. 24). The motion currently before the Court, dated November 6, 2024, but docketed on November 18, will be deemed timely, and thus plaintiffs need only show good cause for the requested extension of time. (ECF No. 26, PageID.365). Alger says that he has been denied access to a legal writer, has been placed in segregation, and has not been able to confer with his co-plaintiff, Wilson, regarding a response to defendants' motion. (*Id.*, PageID.362-364). Therefore, plaintiffs shall have **until December 16, 2024**, to respond to defendants' motion to dismiss.

² In the title of his motion, Alger asks for an extension of time or a stay of proceedings "in the alternative." (ECF No. 26, PageID.364). To keep the case moving forward, the undersigned deems it more appropriate to grant an extension of time for Alger to respond.

III. Conclusion

For the reasons stated above, plaintiffs' motion is GRANTED IN PART.

Plaintiffs shall have **until December 16, 2024**, to respond to defendants' motion.

Plaintiffs are cautioned that a failure to file a response by that date may result in a recommendation that the motions be granted. No further extensions will be permitted.

SO ORDERED.

Dated: November 19, 2024
Detroit, Michigan

s/Kimberly G. Altman
KIMBERLY G. ALTMAN
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 19, 2024.

s/Dru Jennings
Case Manager